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Sub-area 23 or Area 51; Revisited

by John Greet | Our Liberty | 10.14.09 | [f](#) [✉](#) [★](#) [📄](#) [📡](#) | Text Size: +

Another chapter has now been written in the strange and continuing saga of SEADIP Sub-area 23, near the intersection of Studebaker Road and Loynes Drive.

To best follow this continuing story, one almost has to read it backwards, reverse engineering it in a way that leads the reader to better understand why so many are now so angry with Sean Hitchcock and 2H Construction -and others- and so frustrated and disillusioned with some aspects of our City government.



As has been [reported here](#), the City recently approved a permit, after the fact, allowing Sean Hitchcock and his company, 2H Construction, to "import... approximately 1,000 cubic yards of soil to re-establish and maintain the cap over the existing landfill in response to California Coastal Commission Emergency Permit 5-09-068-G." Approval for weed abatement to comply with a Fire Department order was also provided.

Considered dispassionately -admittedly difficult for many to do- the City really couldn't have denied the permit in this case since the soil importation had already been done for the purpose mentioned and in response to the emergency permit issued by Coastal.

To fail to approve the permit would, I suppose, have meant requiring the removal of the soil already replaced and the cap on the property that it creates (however insufficient that new cap might be).

The Coastal Commission can issue such emergency permits, and did in this case, when the Executive Director waives the usual Coastal permit requirements if a given "development is necessary to protect life and property or to maintain public services". Since there were no "public services" to be maintained in this case, protection of life and property must have been the overriding concern for the issuance of Coastal's emergency permit.

So what about the importation of this dirt intended to replace and maintain a soil cap over an existing landfill caused Coastal to consider the protection of life and property such an "emergency"?

Put quite simply, Mr. Hitchcock, who had recently purchased the property in question, had employees from his 2H Construction Company use heavy construction equipment to scrape; level and remove the soil cap that had previously been in place on the land. This soil cap was serving several purposes not the least among them the prevention of toxic soil erosion into the surrounding legally protected waterways and the release of methane gas that has built up from the landfill beneath it.

The California Coastal Commission was able to determine that this had occurred because concurrent investigations by the South Coast Air Quality Management District and the California Integrated Waste Management Board proved it and both agencies issued "Orders to Comply" relating to 2H's activities on the site.

2H's initial activities on the site occurred over two days in late March and were immediately noticed by residents and environmentalists, many of whom are intimately familiar with the parcels of land



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Our Liberty

- John invites you to join in discussing and debating national, state and local policy issues that impact L Beach. John strongly believes that it is our liberties, our freedoms and our responsibility as citizens of the Constitutional Republic that the public policy deliberations and respectful dialog is the key to resolving these sometimes complex issues.

John B. Greet is a native of the City of Long Beach. His own and in no way reflect policies of the City of Long Beach, nor are they endorsed by the City Departments, nor are they intended to be. John is a married with 4 children and a veteran; a community volunteer and a researcher and freshwater

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within our city's Coastal Zone and how well they are protected by various federal, State and local laws. Many of these percipient witnesses took great exception to what they saw happening and immediately confronted the workers, asking if they had permits for such a project.

Some claim these workers initially said that all of the necessary permits had been issued. A claim that rang most hollow with many of the observers because such permits would have required surveys and studies, official findings and public hearings during which these observers and many others would have certainly been willing to offer comment and evidence. But no hearings had been held, no studies done and no public comment offered and, so, no permits could possibly have been issued.

As it turned out, the observers were correct. None of the required permits existed for the construction project they were observing and it eventually took a personal visit to the site by various elected and appointed City Officials to get the unlawful work fully and completely stopped and all construction equipment removed from the site. But the damage had already been done. The well-established and properly installed soil cap had, indeed, been destroyed by the unlawful work and many said that the distinctive smell of methane was obvious throughout the area, making many residents in the area quite ill.



Many are claiming that considerable environmental damage was done as well; from the destruction of the natural habitats of various fauna to the improper removal of sundry native and non-native flora. Many see this parcel -and indeed all parcels in this area- as vital pieces of a rapidly dwindling but extremely crucial ecological puzzle that, when well-protected and managed properly, help to assure the overall health of our local Coastal Zone.

And now we are back where this strange and circuitous tale began...the city has now issued a permit for a soil cap that had already been replaced in response to an emergency Coastal Commission permit requiring that this be done. This was necessary because the original soil cap had been unlawfully removed by Mr. Hitchcock and his employees when they performed construction work on the site without the proper permits.

Permits such as these are required, by federal, State, regional and local authority and mandate, to help to prevent just this sort of problem in the first place.

There are many other wrinkles and sub-plots in this drama... allegations that some in City government are good friends of Mr. Hitchcock, had advance knowledge of what he planned -and, according to some, still plans- for Sub-area 23 and turned a blind eye to it; the improper transfer of waste asphalt from a City maintenance yard to 2H Construction, material that was trucked to the site in 2H Construction vehicles and ultimately spread about on portions of the construction site; the apparent lack of meaningful consequence imposed by the City upon Hitchcock and 2H Construction; the ongoing debate on whether Sub-area 23 is legally considered to be wetlands (a determination that invokes numerous additional environmental protections); and on and on.

But the crux of the matter is simple. Mr. Hitchcock and 2H Construction conducted unlawful construction activity on Sub-area 23. The work was unlawful because permits were required but not obtained. As a result the soil cap was damaged and toxic methane gas released into the surrounding area, severely compromising public health. It took highly placed elected and appointed City officials to get this unlawful work stopped and it took an emergency permit from the California Coastal Commission to get a minimal soil cap replaced and maintained... an emergency permit that the City later had to also approve, since that work had already been done.

My personal challenge in all of this is to understand the apparent lack of meaningful consequences for this unlawful activity. When a person commits other public offenses, consequences are real and they are statutory. But in this case the only consequence appears to be what it has cost Mr. Hitchcock financially to: have the unlawful work done; to halt the work before it was completed; and to replace the soil cap his employees and equipment damaged.

City officials have claimed that they have little recourse in this situation. My reading of various sections of our Municipal Code leads me to a different conclusion. But be that as it may, one thing

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seems, to me, crystal clear:

As I first observed in this space last March, this story continues to sound more like something one might hear about very late at night on a radio show hosted by Art Bell or George Noory. You know, the show on which they routinely discuss alien abductions, crop circles and various government conspiracies.

I can hear it now: "In the next hour we visit Long Beach, California and the strange goings on in the Los Cerritos Wetlands... Sub-area 23 or Area 51 - You Decide."

I very much welcome your questions and your comments!



Comments

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John's Community

JJ

One word: GREED!!! Does anyone have a conscience anymore?

LBJ

Please, with the support of our almighty Mr DeLong the contractor that knows better got his way. I wonder if Mr DeLong could help me in building my deck on my roof after the fact?

Local Resident

It is my understanding that the City does not issue permits to do weed abatement. Is it possible the City did not know that actual grading (and impact to the landfill cap) was going to take place? It is hard to imagine this is the first time the site has been weed abated and I am curious how this may have been accomplished in the past. If in fact weeds have been abated in the past, were any studies done to delineate and identify any vegetation that should be protected? Since this parcel has been in this condition ever since I was a kid (many years ago), I find it hard to believe there is not more information/data/research on this site.

LB Resident (2)

There is still a lot that has not been disclosed by the City. It appears the City, in issuing the retroactive permit, wants this to just go away. The unanswered questions are: Who know about this and when did they know? Who in the City authorized or ordered Hitchcock to do the weed abatement? Who in the City authorized Hitchcock to move the waste asphalt to his site for the purpose of creating a parking area for the proposed (private) soccer fields? Maybe our City Manager, Pat West, should look into these and let us all know.

LBMum

All this because he wants to build a soccer field for his kid/Soccer Club (go LB Titans) I guess he did not think the methane etc would be a problem for kids running for 1-2 hours a couple times a week, and none of the neighbors would mind the giant lights needed to light the field for practice Oct - March and is there any parking. None of all of the other giant empty lots around town worked for him I guess

katrae

Although I do not really have much knowledge about the workings of city permit issues, etc., I do appreciate having a source that "educates" by providing informed information and hopefully, thus, holding officials accountable and not hiding information from the public they should be serving. This kind of information is what may some day lead to the "transparency" in government that I have heard talked about but certainly not seen yet.

John Greet

Local Resident: As I recall, shortly after this story first broke back in March, an email from City staff was disclosed that asked Mr. Dean (the owner at the time of the emails) to "look into" removing weeds from the property. This hardly constitutes either a "weed abatement order" or a "permit" to do so but does, indeed, represent the City asking the property owner, in writing, take necessary steps to abate the weeds on the property that was soon to become Mr. Hitchcock's. Mr. Hitchcock is on record as having said that Mr. Dean told him there was a weed abatement order and he, Hitchcock, claimed that the work he was having done was in compliance with that order. We also know that no official order of that type ever existed, merely, as mentioned, the lamentably passive and informal email request to Dean from a City staffer. It's reasonable, at least to my mind, to believe that Dean mentioned this



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